

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAVAR LESTER BLUEFORD,  
Plaintiff,  
  
v.  
  
KELLY GREEN, et al.,  
Defendants.

Case No. [19-cv-00915-PJH](#)

**ORDER DENYING MOTION TO  
APPOINT COUNSEL**

Re: Dkt. No. 23

This is a civil rights case brought pro se by a prisoner. Plaintiff has filed a motion to appoint counsel. There is no constitutional right to counsel in a civil case, *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981), and although district courts may "request" that counsel represent a litigant who is proceeding in forma pauperis, as plaintiff is here, see 28 U.S.C. § 1915(e)(1), that does not give the courts the power to make "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989).

The Ninth Circuit has held that a district court may ask counsel to represent an indigent litigant only in "exceptional circumstances," the determination of which requires an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff has presented his claim adequately, and the issues are not complex. If this case proceeds to trial plaintiff may renew his request for appointment of counsel. Due to plaintiff's difficulties preparing his opposition to the summary judgment motion he will be provided an extension to prepare the document and obtain discovery. Therefore, the motion to

1 appoint counsel (Docket No. 23) is **DENIED**. GOOD CAUSE APPEARING, plaintiff may  
2 have until **January 21, 2020**, to file an opposition to the motion for summary judgment.  
3 Failure to file an opposition may result in the dismissal of this action.

4 **IT IS SO ORDERED.**

5 Dated: December 4, 2019

6  
7 /s/ Phyllis J. Hamilton

8 PHYLLIS J. HAMILTON  
9 United States District Judge  
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